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13 MAY 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

John Smith-Hall
SMITH-HILL AND BEDELL, P.C.
12670 N.W. Barnes Road
Suite 104
Portland, Oregon 97220

In re Application of
Eljas Saastamoinen et al.
Application No.: 09/980,439
PCT No.: PCT/FI00/00553
International Filing Date: 20 June 2000
Priority Date: 26 June 1999
For: ARRANGEMENT FOR MEASURING
CONCENTRATE FLOW IN CONNECTION
WITH A FLOTATION CELL

:
:
: DECISION ON
:
: PETITION
:
: UNDER 37 CFR 1.181
:
:
:

This decision is in response to applicants' PETITION FOR CORRECTION OF 371(c) DATE filed 02 April 2004 requesting that the date under 35 U.S.C. 371 be corrected to 04 January 2002 as opposed to 31 January 2002.

BACKGROUND

On 20 June 2000, applicants filed international application PCT/FI00/00553 claiming priority to an earlier application filed 26 June 1999. The international application designated the United States. A Demand, in which the United States was elected, was timely filed on 26 January 2001. Therefore, applicants' thirty month period for entering the United States national stage expired at midnight on 26 December 2002.

On 29 November 2001, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States under 35 U.S.C. 371, accompanied by, *inter alia*, the requisite basic national fee.

On 18 January 2002, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required.

On 04 January 2002, applicants filed an executed declaration.

On 22 February 2002, the DO/EO/US mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) expressing a date under 35 U.S.C. 371 of 31 January 2002.

On 02 April 2004, applicants submitted the instant petition requesting that the date under 35 U.S.C. 371 be corrected to 04 January 2002. The petition is accompanied by a copy of a postcard receipt.

On 04 May 2004, applicants filed a communication by facsimile that included a copy of a declaration and a statement by applicants' counsel indicating that the copy of the declaration is a true copy of that originally filed on 04 January 2002.

DISCUSSION

MPEP at section 503 states, in part:

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."


Applicants' date stamped postcard receipt lists a declaration and a transmittal of declaration and includes a U.S. Patent and Trademark Office (PTO) date stamp of 04 January 2002.

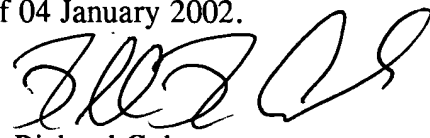
CONCLUSION

In view of the above, applicants' petition is **GRANTED**.

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) mailed 22 February 2002 is hereby **vacated**.

The application is being returned to the DO/EO/US for issuance of a new Notification of Acceptance Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and a new official filing receipt indicating a date under 35 U.S.C. 371(c)(1), (2) and(4) of 04 January 2002.


Michael A. Neas
PCT Special Program Examiner
Office of PCT Legal Administration


Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

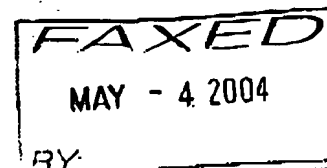
Telephone: (703) 308-0954
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Smith-Hill and Bedell, P.C.

PATENT AND TRADEMARK LAWYERS

John Smith-Hill

Daniel J. Bedell

12670 NW Barnes Rd., Suite 104
Portland, Oregon 97229
Telephone: (503) 574-3100
Facsimile: (503) 574-3197RECEIVED
MAY 04 2004
PCT SPECIAL
PROGRAMS OFFICEFACSIMILE COVER SHEETTo: Michael Neas
PCT Legal

From: John Smith-Hill

Firm: US PATENT AND
TRADEMARK OFFICE

Date: May 4, 2004

Fax: 1-703-305-2919

Our ref: OUTO 2367

Your ref: 09/980,439

Pages: Cover + 2

Attached is a true copy of the Declaration for Patent
Application that was filed on 4 January 2002.

991484 US

Attorney's Docket No. _____

DECLARATION FOR PATENT APPLICATION
(COMBINED WITH POWER OF ATTORNEY)
(ORIGINAL APPLICATION)

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:
Arrangement for measuring concentrate flow in connection with a flotation cell

the specification of which is attached hereto unless box (a) or (b) is checked, in which case

- (a) ☐ the specification was filed on _____ as Application No. _____.
- (b) ☒ the specification was filed as PCT International Application No. PCT/FI00/00553 filed on 20 June 2000 and was amended under PCT Art. 19 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

I have identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America and filed less than 12 months (6 months for designs) prior to this United States application and of which I claim foreign priority benefits under Title 35, United States Code, Sec. 119, and I have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

EARLIEST FOREIGN APPLICATION, AND ALL FOREIGN
APPLICATIONS FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN)
PRIOR TO THIS U.S. APPLICATION

<u>Country</u>	<u>Application No.</u>	<u>Date of Filing</u> (month/day/year)
<u>Finland</u>	<u>991484</u>	<u>26 June 1999</u>

As a named inventor, I hereby appoint the practitioners associated with Customer Number 007812 (John Smith-Hill, Reg. No. 27,730 and Daniel J. Bedell, Reg. No. 30,156) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent.

Send correspondence to the correspondence address associated with Customer Number 007812.

I hereby authorize the practitioners that I have appointed to accept instructions regarding this application and the resulting patent from OUTOKUMPU OYJ.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Title 18, United States Code, Sec. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor _____

SAASTAMOINEN, Eljas

Inventor's signature _____

Eljas Saastamoinen

Date _____ Country of Citizenship Finland

Residence Helsinki, Finland

Post Office Address Sotkatie 8 A 4

FIN-00200 Helsinki, Finland

Full name of second joint inventor, if any _____

FORSS, Mikael

Inventor's signature _____

Mikael Forss

Date _____ Country of Citizenship Finland

Residence Espoo, Finland

Post Office Address Mäkirinne 3 B

FIN-02360 Espoo, Finland

Smith-Hill and Bedell, P.C.

PATENT AND TRADEMARK LAWYERS

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John Smith-Hill

Daniel J. Bedell

RECEIVED
APR 02 2004
PCT SPECIAL
PROGRAMS OFFICEFACSIMILE COVER SHEETTo: Mike Neas
PCT Legal

From: John Smith-Hill

Firm: US PATENT AND
TRADEMARK OFFICE

Date: April 2, 2004

Fax: 1-703-305-2919

Our ref: OUTO 2367

Your ref: 09/980,439

Pages: Cover + 7

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Eljas SAASTAMOINEN et al

Art Unit: 2856

Application No: 09/980,439

Examiner:
Takisha S. Miller

Filed: January 4, 2002

For: ARRANGEMENT FOR MEASURING CONCENTRATE
FLOW IN CONNECTION WITH FLOTATION CELLPETITION FOR CORRECTION OF 371(c) DATEMail Stop PCT
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

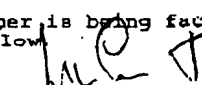
Sir:

A copy of applicant's Renewed Request for Corrected Filing Receipt/Notification of Error in Notice of Acceptance Mailed 02/22/2002 filed by facsimile on September 4, 2002 is submitted herewith. A copy of applicant's Request for Corrected Filing Receipt and Notification of Error in Notice of Acceptance Mailed 02/22/02, filed by Express Mail on March 7, 2002 as indicated by the accompanying copy of the return postcard received from the Patent and Trademark Office, and copies of the documents submitted with the Request filed March 7, 2002, are submitted herewith. Based on these items, it is requested that the records of the Patent and Trademark Office be amended to reflect a 371(c) date of January 4, 2002 and that a corrected filing receipt and a corrected 371 Acceptance Letter should be issued. Since this application has been allowed, please handle correction of the 371 date on an expedited basis.

Respectfully submitted,

John Smith-Hill
Reg. No. 27,730SMITH-HILL AND BEDELL, P.C.
12670 N.W. Barnes Road, Suite 104
Portland, Oregon 97220Tel: (503) 574-3100
Fax: (503) 574-3197
Docket: OUTO 2367Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below


John Smith HillDate 4/2/04

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Eljas SAASTAMOINEN et al

Art Unit: 2856

Application No: 09/980,439

Examiner:
Takisha S. Miller

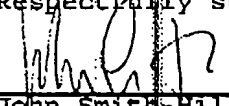
Filed: January 4, 2002

For: ARRANGEMENT FOR MEASURING CONCENTRATE
FLOW IN CONNECTION WITH FLOTATION CELLRENEWED REQUEST FOR CORRECTED FILING RECEIPT
NOTIFICATION OF ERROR IN NOTICE OF ACCEPTANCE MAILED 02/22/2002Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

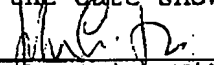
A copy of applicant's Request for Corrected Filing Receipt and Notification of Error in Notice of Acceptance Mailed 02/22/02, filed by Express Mail on March 7, 2002 as indicated by the accompanying copy of the return postcard received from the Patent and Trademark Office, and copies of the documents submitted with the Request filed March 7, 2002, are submitted herewith. Based on these items, it is requested that the records of the Patent and Trademark Office be amended to reflect a filing date of January 4, 2002 and that a corrected filing receipt and a corrected 371 Acceptance Letter should be issued.

Respectfully submitted,



John Smith-Hill
Reg. No. 27,730SMITH-HILL AND BEDELL, P.C.
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Fax: (503) 574-3197
Docket: OUTO 2367Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.



John Smith-HillDate September 6, 2002

COPY

Attorney Docket No. OUTO 2367
Express Mail
Label No. EL888470241
Deposit Date 3/7/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Eljas SAASTAMOINEN et al

Art Unit: 2856

Application No: 09/980,439

Examiner:

Filed: January 4, 2002

For: ARRANGEMENT FOR MEASURING CONCENTRATE
FLOW IN CONNECTION WITH FLOTATION CELL


REQUEST FOR CORRECTED FILING RECEIPT
NOTIFICATION OF ERROR IN NOTICE OF ACCEPTANCE MAILED 02/22/02

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, D.C. 20231

Sir:

There is an error on the filing receipt that was issued for this application in that the filing date is incorrect, as indicated in red on the accompanying copy. As outlined in the Reply to Notification of Missing Requirements filed January 31, 2002 (a copy of which is enclosed), the Declaration was filed on January 4, 2002, and a copy of the return postcard was provided as evidence. Therefore, applicant believes that this application should be granted a filing date of January 4, 2002 because January 4, 2002 is the date on which the requirements for entry into the national phase were fully met. Please amend the records of the Patent and Trademark Office to reflect a filing date of January 4, 2002 and issue a corrected filing receipt and a corrected Notice of Acceptance.

Respectfully submitted,



John Smith-Hill
Reg. No. 27,730

SMITH-HILL AND BEDELL, P.C.
12670 N.W. Barnes Road, Suite 104
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COPY



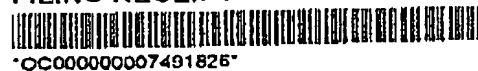
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FILE FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOY CLAIMS	IND CLAIMS
09/980,439	04/31/2002 01/09/2002	2856	1170	OUTD 2367	2	9	1

CONFIRMATION NO. 3399

FILING RECEIPT



OC000000007491825

007812
SMITH-HILL AND BEDELL
12670 N W BARNES ROAD
SUITE 104
PORTLAND, OR 97229

RECEIVED

MAR - 4 2002

Date Mailed: 02/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Eljas Saastamoinen, Helsinki, FINLAND;
Mikael Forss, Espoo, FINLAND;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/FI00/00553 06/20/2000

Foreign Applications

FINLAND 991484 06/26/1999

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

Title

Arrangement for measuring concentrate flow in connection with a flotation cell

Preliminary Class

073

Re Application Of: Eljas SAASTAMONEN et al

Application Number: 09/980,439

Filing Date: January 4, 2002

Title: ARRANGEMENT FOR MEASURING CONCENTRATE FLOW IN
CONNECTION WITH FLOTATION CELL

Docket Number: OTO 2367

Receipt is hereby acknowledged in the United States Patent and Trademark Office of
the following as of the date stamped hereon:Request for Corrected Filing Receipt/Notification of Error
in Notice of acceptance Mailed 02/22/02

Copy of Filing Receipt

Copy of Reply to Notification of Missing Requirements

Copy of Postcard



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Attorney Docket No. OUTO 2367

Express Mail

Label No. EL888470564

Deposit Date

1/31/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Eljas SAASTAMOINEN et al

Art Unit:

Application No: 09/980,439

Examiner:

Filed: January 4, 2002

For: FLOTATION CELL

REPLY TO NOTIFICATION OF MISSING REQUIREMENTS

Assistant Commissioner for Patents

Box PCT

Washington, D.C. 20231

Sir:

In reply to the Notice mailed January 18, 2002, a Declaration signed by the inventor(s) and identifying the application by International application number was filed on January 4, 2002, as evidenced by the enclosed copy of the return postcard. A copy of the Declaration is enclosed. A copy of the Notice is also enclosed. As indicated in the transmittal letter that accompanied the Declaration, the fee under 37 CFR 1.492(e) has already been paid.

Respectfully submitted,



John Smith-Hill

Reg. No. 27,730

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Portland, Oregon 97229
(503) 574-3100

Re Application Of: ELJAS SAASTAMOINEN et al
Application Number: 09/980,439
Filing Date:
Title: FLOTATION CELL

Docket Number: OUYO 2367

Receipt is hereby acknowledged in the United States Patent and Trademark Office of
the following as of the date stamped hereon:

Transmittal of Declaration
Declaration

JC10 Rec'd PCT/PTO 04 JAN 2005